

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MICHAEL ELLIOTT,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

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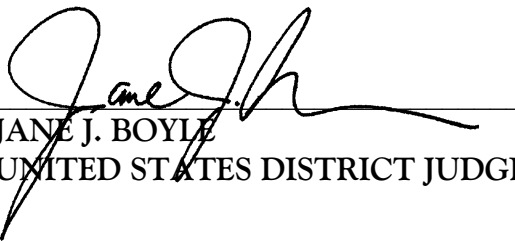
No. 3:16-CV-3231-B-BT

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Rebecca Rutherford dated February 6, 2019. The Court has made a *de novo* review of those portions of the proposed Findings, Conclusions, and Recommendation to which objections were made. The objections are overruled.

**IT IS THEREFORE ORDERED** that Defendant Tammy Sherman's Motion for Summary Judgment on the Issues of Failure to Exhaust Administrative Remedies and Qualified Immunity (ECF No. 45) is **GRANTED**, and Plaintiff's claims against Defendant are **DISMISSED with prejudice**. Additionally, Defendant's request for attorneys' fees is **DENIED**.

**SO ORDERED** this 25<sup>TH</sup> day of February, 2019.

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE